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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA OF THE FIFTY-FIRST SESSION

CONSIDERATION OF THE EXCEPTIONAL SITUATION OF THE INABILITY, RESULTING FROM GENERAL ASSEMBLY RESOLUTION 2758 (XXVI), OF THE 21.3 MILLION PEOPLE ON TAIWAN, REPUBLIC OF CHINA, TO PARTICIPATE IN THE ACTIVITIES OF THE UNITED NATIONS

Letter dated 17 July 1996 from the representatives of Burkina Faso, the Central African Republic, Dominica, Dominican Republic, El Salvador, the Gambia, Grenada, Guatemala, Guinea-Bissau, Honduras, Nicaragua, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General

Upon instructions from our respective Governments, we have the honour to request you, pursuant to rule 13 of the rules of procedure of the General Assembly, to include an item in the agenda of the fifty-first session of the General Assembly entitled "Consideration of the exceptional situation of the inability, resulting from General Assembly resolution 2758 (XXVI), of the 21.3 million people on Taiwan, Republic of China, to participate in the activities of the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (see annex I) and a draft resolution (see annex II).*

* The document has been reproduced as received. The designations employed do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory or area, or of its authorities.

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Burkina Faso to the United Nations

(Signed) Henry KOBA
Permanent Representative of
the Central African Republic
to the United Nations

(Signed) Simon Paul RICHARDS
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Annex I

EXPLANATORY MEMORANDUM

1. For a period of 22 years, from 1950 to 1971, the United Nations considered the question of the representation of two politically dissimilar entities in China. The question, which was considered against the background of political and ideological confrontation created by the cold war and its bipolar divisions, generated a certain amount of difficulty because it also involved legal, political and procedural elements which complicated the issue. In the General Assembly, some States advocated the admission of the People's Republic of China as a new Member, while the People's Republic of China and its supporters insisted that the question to be settled was the representation of China. In October 1971, at its twenty-sixth session, the United Nations General Assembly adopted resolution 2758 (XXVI), which decided that China's seat at the United Nations would be taken by the People's Republic of China on the Chinese mainland. That resolution effectively excluded the Republic of China on Taiwan from the United Nations.

2. As a matter of fact, General Assembly resolution 2758 (XXVI), adopted 25 years ago, is a product of the ideological confrontation during the cold war era. The resolution only provides for the international representation of people on the Chinese mainland, that is, territory under the jurisdiction of the People's Republic of China. As a result, however, the fundamental rights of the 21.3 million people under the jurisdiction of the Republic of China on Taiwan to participate in international, political, economic and cultural activities have not since 1971 been respected and protected in the same way that the rights of peoples of other States have. This infringement of their collective rights violates the spirit of the Universal Declaration of Human Rights adopted by the United Nations in 1948, which advocates that "Everyone is entitled to all the rights and freedoms set forth in this Declaration ... Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs."

3. The Government of the Republic of China has, since its relocation in the Taiwan area after the Chinese civil war in 1949, always endeavoured to implement economic liberalization and political democratization. Having achieved an economic miracle, it oversaw, following the adoption of the Additional Articles of the Constitution of the Republic of China in 1991, the implementation of a system of direct elections at all levels of government and legislative bodies, including the National Assembly and the Legislative Yuan. In 1996, popular sovereignty was confirmed by the election of the first directly elected president in Chinese history. This historic event was achieved through universal, equal and direct suffrage and secret balloting on 23 March 1996 by the 14 million eligible voters among the 21.3 million citizens living in Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu area. At present, the Republic of China on Taiwan has an elected government, a defined territory and population. It abides by international laws and practices, and is a peace-loving State which is able and willing to carry out the rights and obligations enshrined in the Charter of the United Nations. All these elements distinguish the Republic of China on Taiwan from the People's Republic of China on the

Chinese mainland as two separate but equal political entities. Each enjoys a number of diplomatic and commercial relationships worldwide and exercises exclusive and full jurisdiction over a specific and separate territory. In accordance with the spirit of the United Nations Charter and the principle of universality, the Republic of China on Taiwan and its 21.3 million people deserve the right to participate in various conferences and activities within the United Nations system.

4. With the end of the cold war, resolution of disputes through negotiation has become a major trend in the new world order. In June 1992, the importance of "preventive diplomacy" was underlined in "An Agenda for Peace" proposed by the Secretary-General. This stipulated that "the most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict". However, since June 1995, the People's Republic of China has conducted a series of landing exercises on the south-eastern coast of the Chinese mainland and several guided missile tests off the Taiwan coast. These acts have seriously damaged relations between the two sides of the Taiwan Strait and have disturbed international aviation and shipping in north-east and south-east Asia. Peace, stability and security in the Asia-Pacific region have also been threatened. In this respect, the United Nations should attend to this situation in accordance with its relevant rules and regulations and seek for a thorough resolution. Based on the established model of parallel representation of divided countries at the United Nations, such as the former East Germany and West Germany, as well as both North Korea and South Korea, parallel participation by the two sides of the Taiwan Strait in the United Nations would promote dialogue, communication and understanding between them. This would also be beneficial to the peaceful resolution of the issue of the reunification of China and conducive to the maintenance of peace and security in East Asia.

5. The participation of the Republic of China on Taiwan in the United Nations involves a vital issue - the United Nations integrity and viability in the twenty-first century; integrity because the collective human rights of 21.3 million people deserve respect; viability because the United Nations needs all the world's people to face the complex challenges of the post-cold-war era. Moreover, the countless emerging transnational issues, such as environment protection, sustainable development, non-proliferation of nuclear weapons, drug prevention, overpopulation in cities, payment of debts, poverty eradication, and protection of intellectual property rights, need to be addressed from a global perspective. To be successful, this requires the participation and cooperation of every member of the international community. In this respect, the Republic of China on Taiwan has shared its own development experience and achievements with the international community, and assisted developing countries in eradicating poverty. Since 1962, the Republic of China on Taiwan has offered vocational training courses in agriculture, land reform, industrial technique, trade, small and medium enterprise development, taxation, customs and scientific technology to approximately 9,200 trainees from 80 countries. In addition, the Republic of China on Taiwan has always implemented the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, and has welcomed nuclear safety inspections of the International Atomic Energy Agency (IAEA). The Republic of China on Taiwan has also in recent years endeavoured to set up a legal framework for the protection of copyrights, trade marks and patents, to strengthen the implementation of such laws, and to launch a public awareness

campaign. Despite all these, the Republic of China on Taiwan is still not allowed to take part in the development programmes sponsored by the United Nations Development Programme (UNDP), or to participate in IAEA and the World Intellectual Property Organization (WIPO). This has constrained the extent of its ability to work in tandem with the international community. The full participation of the Republic of China on Taiwan in the United Nations and its multilateral programmes undeniably would result in more comprehensive benefits for the promotion of international peace and prosperity.

6. It has been 25 years since General Assembly resolution 2758 (XXVI) was adopted. That resolution no longer reflects the changes that have taken place since its adoption and the reality that has evolved. As such, General Assembly resolution 2758 (XXVI) is incomplete, obsolete and unjust. A review by the General Assembly of its own resolution is not without precedent. As a result of resolution 2758 (XXVI), the fundamental rights of the Republic of China on Taiwan and its 21.3 million people to participate in international political, economic and cultural activities have not been respected and protected in the same way that the rights of peoples of other States have, and the stability in the region of the Taiwan Strait is also threatened. As this situation continues to exist, the United Nations, as an open forum, should consider, as early as possible, setting up an ad hoc committee to analyse comprehensively the exceptional situation of the position of the Republic of China on Taiwan and the future ramifications of its exclusion for the United Nations and the world.

Annex II

DRAFT RESOLUTION

The General Assembly,

Recalling its resolution 2758 (XXVI) of 25 October 1971 on the representation of China at the United Nations and noting that since then, as a result of that resolution, the Republic of China on Taiwan has not been part of the Organization,

Recognizing that the Republic of China on Taiwan is a responsible member of the international community, with a stable democratic system and a dynamic economy, whose participation in the United Nations would benefit the international community,

Noticing that the 14 million eligible voters among the 21.3 million Republic of China citizens living in Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu area have, through universal, equal and direct suffrage and secret balloting, elected their first popularly elected president on 23 March 1996 as their genuine representative in the international community,

Affirming the need to recognize and fully respect the fundamental rights of the 21.3 million Chinese, who are politically organized as the Republic of China, on the territories of Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu,

Noting the declarations made by the Government of the Republic of China on Taiwan that it is willing to accept the obligations laid down in the Charter of the United Nations and to contribute to the promotion and maintenance of international peace and security,

Convinced of the need to find, in accordance with the spirit of the Charter and the principle of universality, a peaceful and voluntary solution, within the framework of the United Nations, to the problem posed by the Republic of China on Taiwan,

1. Decides to establish an ad hoc committee consisting of ____ Member States, to be appointed by the General Assembly, whose mandate will be to analyse comprehensively all aspects of the exceptional situation and make appropriate recommendations to the General Assembly at its fifty-second session;

2. Urges all Member States to assist the committee in fulfilling its mandate.

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